

Michael N. Milby, Clerk of Court

In Re Enron Corporation
Securities, Derivative &
"ERISA Litigation

MDL-1446

THIS DOCUMENT RELATES TO:

All Cases

MARK NEWBY, ET AL.,

Plaintiffs

VS.

CIVIL ACTION NO. H-01-3624
CONSOLIDATED CASES

ENRON CORPORATION, ET AL.,

Defendants

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, et al.,
Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

vs.

KENNETH L. LAY, ET AL.,

Defendants.

ORDER

Pending before the Court *inter alia* are Lead Plaintiff's motion for leave to file first supplemental complaint (instrument #1240) with respect to claims against Merrill Lynch and Motion for leave to file the consolidated amended complaint on June 16, 2003 (#1351).

Because the first motion was filed immediately after the Court's ruling on the secondary actors' motions to dismiss (#1194) and because the Court has indicated in subsequent orders that Lead

#1364

Plaintiff shall file an amended/supplemental complaint as a single instrument, repleading concurrently all claims identified by the Court as deficient, the Court

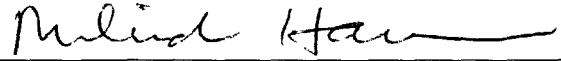
ORDERS that #1240 is MOOT.

Lead Plaintiff's motion for lead to file the consolidated amended complaint on June 16, 2003 recites, "In addition to addressing the matters identified by the Court in its orders on the motions to dismiss, Lead Plaintiff is considering adding new parties" In essence, the motion combines a motion for an extension of time and a motion for leave to amend with new charges. A copy of the proposed amended pleading normally must be attached to a motion for leave to amend. Clearly requiring a complete proposed amended pleading here would defeat the request for an extension of time to file one. Nevertheless, to give Defendants fair notice to determine whether they oppose the requested leave to amend, the Court

ORDERS that as soon as possible Lead Plaintiff shall file a **brief but adequately informative** summary of the parties Lead Plaintiff wishes to add and the claims it wishes to assert against them, and send a copy to all counsel. The twenty-day period for responding to the motion shall begin to run at the time that summary is served upon counsel. Any party that may have filed a response before entry of this order and its receipt by

counsel may file a supplemental response.

SIGNED at Houston, Texas, this 2nd day of May, 2003.

A handwritten signature in cursive script, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE